

**TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
MEMORANDUM**

TO: Bill McCord, Development Services
Leon County Department of Growth and Environmental Management
FROM: Wayne Tedder, Director
Tallahassee-Leon County Planning Department
DATE: August 16, 2004
SUBJECT: Comments for DRC Meeting of August 18, 2004 on Centerville Farms PUD Concept Plan

PROJECT:	Centerville Farms – PUD (Concept Plan) and Rezoning
APPLICANT:	Centerville Properties, Ltd.
AGENT:	L & W Engineering, Inc.
PARCEL I.D.:	15-19-20-001-001-0, 15-20-20-034-000-0, 15-17-20-224-000-0
ZONING DISTRICT:	Urban Fringe (UF) and R (Rural)
FUTURE LAND USE MAP DESIGNATION:	Urban Fringe (UF)

Findings:

1. Section 10-915(e), *Leon County Code*, establishes the criteria for review and approval of Planned Unit Development Applications. The three criteria are:

- 1) consistency with the Tallahassee-Leon County Comprehensive Plan;
- 2) consistency with all other ordinances adopted by Leon County; and,
- 3) consistency with the purpose and intent of the Planned Unit Development district:
 - a. Promote more efficient and economic uses of land.
 - b. Provide flexibility to meet changing needs, technologies, economics, and consumer preferences.
 - c. Encourage uses of land which reduce transportation needs and which conserve energy and natural resources to the maximum extent possible.
 - d. Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing landscape features and amenities.
 - e. Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under a conventional zoning district.
 - f. Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.
 - g. Permit the combining and coordinating of land uses, building types, and building relationships within a planned development, which otherwise would not be provided under a conventional zoning district.

2. The proposed Planned Unit Development district (PUD) would be located within an area presently within the UF Urban Fringe zoning district and R Rural zoning district. The subject site is designated for UF Urban Fringe on the Future Land Use Map of the *Tallahassee-Leon County Comprehensive Plan*.

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3. Pursuant to Future Land Use Map of the *Tallahassee Leon County Comprehensive Plan* (Land Use Element), the subject property is required to be developed in such manner that no less than 487.85 acres are set aside in perpetuity as open space. The PUD concept plan proposes to do this by designating this area as the "OS-1 zoning district" and including this same area within a conservation easement inuring to a "qualified management entity." The PUD concept plan defines the qualifications for a qualified management entity but does not establish this entity.
4. The land uses (types and intensities) proposed in the PUD, residential land use at a net density of less than one unit per three acres and active and passive recreation use, are consistent with the UF designation on the Future Land Use Map and applicable policies in the *Tallahassee-Leon County Comprehensive Plan*.
5. The land uses (types and intensities) proposed in the PUD, and the spatial layout of these land uses as represented on the PUD Concept Plan are consistent with Objective 2.2 and Policies 2.2.1 to 2.2.12 of the Land Use Element of the *Tallahassee-Leon County Comprehensive Plan*: "Conservation Subdivisions," included here as Attachment #1.
6. Section 3.J. of the Concept Plan narrative states that "No County regulated conservation and preservation areas which are required by the Code to be placed in a conservation easement will be located in the OS-2 District." The wording used here is not appropriate.
7. Section 3.B. of the Concept Plan narrative states that the size of the SR district can be increased or decreased as long as the OS district remains at least 50% of the property and the SR District is not greater than 300 acres. Section 3.R.2 of the Concept Plan provides a criterion for determination that a change to the PUD constitutes a minor, not a major change. These sections appear to allow conversion of land from the OS-1 PUD component (district) to OS-2 component as a minor change. As the OS-1 component is intended to include those lands with the most sensitive environmental features, including significant areas to be protected by easement to the Qualified Management Entity and to Leon County, the Planning Department is concerned that such transfers of land out the OS-1 component as would be allowed by the proposed standards, could occur with insufficient staff scrutiny (to determine appropriateness).
8. The Transportation Circulation Plan distinguishes the location of the Canopy Road Protection Zone along Centerville Road, however this area is almost indistinguishable on the "Detailed PUD Conceptual Plan."
9. Pursuant to the Canopy Road Management Plan Interlocal Agreement and the Canopy Roads Citizens Committee Bylaws, all development applications with the potential for impact upon designated Canopy Roads (and the resources included within the Canopy Road Protection Zone) are required to be reviewed for comment and recommendation by the Canopy Roads Citizens Committee (CRCC). The application was reviewed by the CRCC on July 19, with the CRCC recommending tentative approval and requiring the applicant to return and provide more detailed information on potential impacts to canopy resources from the proposed development. The next scheduled CRCC meeting will be held on September 20, 2004. *Comprehensive Plan* and *Leon County Land Development Code* provisions pertaining to development impacting designated canopy roads are included here as Attachment #2.
10. Section 3.N. of the Concept Plan narrative specifies that stormwater management maintenance and operation responsibilities will be assigned to the "Home Owners Association."

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11. Section 3.J. of the Concept Plan narrative limits allowable land uses within the OS-2 district to active recreation uses and facilities that do not materially impact the function of natural features and resources of the district. Supplementing the wording in this section to preclude "Commercial Recreational Facilities" as defined in the *Tallahassee-Leon County Comprehensive Plan* Glossary would assist in limiting land use for purposes of facilitating land use compatibility with nearby low density residential use. The glossary defines commercial recreational facilities as: "Facilities operated by the private sector as for profit or not-for profit."
12. Section 3.J. of the Concept Plan narrative limits allowable land uses within the OS-2 district to active recreation uses and facilities that do not materially impact the function of natural features and resources of the district. Supplementing the wording in this section to preclude "Commercial Recreational Facilities" as defined in the *Tallahassee-Leon County Comprehensive Plan* Glossary would assist in limiting land use for purposes of facilitating land use compatibility with nearby low density residential use. The glossary defines commercial recreational facilities as: "Facilities operated by the private sector as for profit or not-for-profit."
13. Section 10 of the Concept Plan narrative sets out a request for deviations to allow more than 10 dwelling units in a cluster and to allow minimum cluster separation of less than 400 feet (§§10-1429(h) and (i), *Leon County Land Development Code*, respectively) pursuant to §10-1603, *Leon County Land Development Code*. The granting of the requested deviations are consistent with the intent and purpose of this ordinance and the Comprehensive Plan. Specifically with Policy 2.2.4 of the Land Use Element:

Conservation Subdivisions may be zoned as Planned Unit Developments (PUDs) or the land development regulations shall be otherwise crafted in order to provide the necessary-flexibility with respect to setbacks, minimum lot sizes, street widths, and parking requirements etc. to increase the likelihood of employing this site design option and foster the long-term viability and usefulness of the open space subject to the required conservation easement.

Planning Department Recommendation:

1. The "Detailed PUD Conceptual Plan" shall be revised to clearly distinguish the Canopy Road Protection Zone along Centerville Road, north of the northern-most driveway on that street.
2. The applicant shall provide the Canopy Roads Citizens Committee with revised information about the proposed development's potential impact upon canopy road protection zone resources in response to the Committee's previous tentative recommendation supporting the application.
3. The "Detailed PUD Conceptual Plan" shall be revised to state the following:

"A bona fide qualified management entity for the 487.85 acres set aside in perpetuity as open space in the proposed "OS-1 zoning district" on the "Detailed PUD Conceptual Plan" shall be established prior to final plan approval for any portion of the property included within this Planned Unit Development."

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4. Section 3. J of the Concept Plan narrative shall be revised consistent with the following:
If County staff has verified that there are presently no *conservation* or *preservation areas* (as defined in either the *Comprehensive Plan* or *Land Development Code*) within the area proposed to be included in the OS-2 District, then this sentence should be reworded as follows:

"No conservation or preservation areas, required by the *Leon County Land Development Code* to be placed in a conservation easement, are present within the OS-2 District."

If County staff cannot verify that the area proposed to be included in the OS-2 district is devoid of *conservation* or *preservation areas*, then the applicant shall not bar the protection of these area by precluding their inclusion in a conservation easement inuring to Leon County.

5. Section 3.B of the Concept Plan narrative shall be revised to include the following:

"If the DGEM determines that a reduction in non-environmentally sensitive OS-2 district by not more than 32.26 acres is not a substantial decrease in the acreage devoted to common open space, then this proposed provision may be reworded accordingly."

Alternatively, this provision for determination as to whether a change in the PUD constitutes a *major* or *minor* modification may be deleted, as this matter is addressed by §10-915(c)(1)g., *Leon County Land Development Code*.

6. Section 3.R.2 of the Concept Plan, shall be revised consistent with condition of approval #5, above.
7. The "Detailed PUD Conceptual Plan" shall be revised to state the following:

"Stormwater maintenance facility permits shall provided only upon the establishment of the Home Owners Association as the designated maintenance provider."

8. The Concept Plan should be revised to reword Section 3.J. of the Concept Plan narrative to preclude "Commercial Recreational Facilities" as defined in the *Tallahassee-Leon County Comprehensive Plan* Glossary within the OS-2 district to assist in limiting land use for purposes of facilitating land use compatibility with nearby low density residential use.

Attachments:

- #1: Objective 2.2. and subsequent implementing policies of the Future Land Use Element of the *Tallahassee-Leon County Comprehensive Plan*, pertaining to Conservation Subdivisions.
- #2: Provisions of the *Tallahassee-Leon County Comprehensive Plan* and *Leon County Land Development Code* pertaining to development impact on and along designated Canopy Roads.

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ATTACHMENT #1

CONSERVATION SUBDIVISIONS

Land Use Element Objective 2.2:

Conservation Subdivision land development regulations in the County shall be amended by 2004 to provide design options and guidelines for the development of Conservation Subdivisions that advance environmental resource protection or restoration or promote infill and redevelopment. The City may adopt similar provisions.

Land Use Element Policy 2.2.1:

To minimize the threat of premature conversion of rural land, including properties supporting bona fide agriculture and silviculture, the Conservation Subdivision option shall not be allowed within the Rural Future Land Use category, with the exception of those areas designated as Rural Residential within the Bradfordville Sector Plan.

Land Use Element Policy 2.2.2:

Within the land development regulations, local government shall define for various Future Land Use categories in which Conservation Subdivisions are allowed, any applicable density bonus incentives, and the minimum percentages of parent tract(s) to be protected as contiguous open space within Conservation Subdivisions. It shall be the intent to establish higher open space percentages for the less dense Future Land Use Map categories. Similarly, it is intended that density bonuses only be permitted as an incentive in those land use categories which are more dense than the Urban Fringe land use category. Conservation subdivisions within the Urban Fringe land use category shall be density neutral, and ward no units greater than those achievable via conventional site plans subject to density limitations imposed by Policies 1.3.2[Conservation Element] and 1.3.4[Conservation Element].

Land Use Element Policy 2.2.3:

To better judge the impacts of Conservation Subdivisions on the demands for services and the effects of coordinating protected open space, local government may phase the implementation of Conservation Subdivisions within Future Land Use Categories more dense than Urban Fringe via the adoption of land development regulation provisions, beginning with Urban Fringe Future Land Use category and those areas designated as Rural Residential within the Bradfordville Sector Plan.

Land Use Element Policy 2.2.4:

Conservation Subdivisions may be zoned as Planned Unit Developments (PUDs) or the land development regulations shall be otherwise crafted in order to provide the necessary flexibility with respect to setbacks, minimum lot sizes, street widths, and parking requirements etc. to increase the likelihood of employing this site design option and foster the long-term viability and usefulness of the open space subject to the required conservation easement.

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Land Use Element Policy 2.2.5:

Preservation features defined in Policy 1.3.3 [Conservation Element] shall be incorporated into the open space of any Conservation Subdivision. Conservation features defined in Policy 1.3.1 [Conservation Element], archaeological sites, bona fide agriculture and silviculture, viewsheds of canopy roads and of other open space shall be incorporated into the open space of a Conservation Subdivision to the greatest extent practicable.

The Planning and respective Growth Management departments shall encourage the use of Conservation Subdivisions wherever parent tracts have been demonstrated to contain bona fide agriculture and silviculture, environmentally significant features, historically or archaeologically significant resources, or direct connections with existing or planned greenway corridors identified in either the Tallahassee-Leon County Greenway Master Plan or the Blueprint 2000 Project Definitions Report.

Land Use Element Policy 2.2.6:

In the implementation of Conservation Subdivisions, all critical on-site resources that are to be preserved shall be of adequate size and buffered to ensure protection of the resource.

Land Use Element Policy 2.2.7:

Where possible, local government shall require protected open space(s) within conservation subdivisions to be established adjacent or contiguous with existing or planned greenspace, whether public or private.

Land Use Element Policy 2.2.8:

In the implementation of Conservation Subdivisions, local government shall require open space and related resources to be placed under a permanent easement that runs with the land. Said easement may be assigned to (1) local government or (2) a local or national land trust that is a 501(c)(3) organization for which conservation of resources is a principal goal and which can provide reasonable assurance it has financial and staff resources to monitor and manage the easement in accordance with the intent of the Objective 2.2 [L] and its supporting policies.

Land Use Element Policy 2.2.9:

Local Government shall require all applications for Conservation Subdivisions to prepare a management plan for all protected open space and a dedicated source of revenues to ensure that all appropriate management activities are undertaken on a regular basis and that all terms of the conservation easement are monitored and enforced.

Land Use Element Policy 2.2.10:

Local and State Government shall be encouraged to enter into agreements with the managers of protected open space within Conservation Subdivisions where it would be mutually advantageous to consolidate management activities between the subdivision and any adjoining public lands.

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Land Use Element Policy 2.2.11:

It shall be the policy of the Property Appraiser's office to assess at the minimum rate or charge the applicable fee to all land preserved within a Conservation Subdivision, including property in bona fide agricultural and silvicultural use. However, the appraised value of associated developed land shall reflect any added value provided by proximity to protected open space.

Land Use Element Policy 2.2.12:

Conservation Subdivisions shall be encouraged to include a range of housing types and sizes, and shall not be exempt from any adopted applicable affordable housing provisions.

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Canopy Road Provisions from the Tallahassee-Leon County Comprehensive Plan and the Leon County Land Development Code

Comprehensive Plan citations

Conservation Element

Objective 3.4: Local government shall protect, maintain and improve the designated canopy roads.

Policy 3.4.1:

By 1992, define specific attributes unique to each canopy road, how to maximize the roadway without destroying it, and identify alternative traffic routes.

Policy 3.4.2:

By 1992, develop and implement management plans to maintain each canopy road according to its unique attributes. Such plans shall incorporate appropriate safety provisions.

Policy 3.4.3:

Provide an urban forest management professional to assist in implementing canopy road management plans.

Policy 3.4.4:

Prohibit new subdivisions and development that would allow development to occur within 100 feet of the centerline of a canopy road without the express approval of the local government. No clearing may occur in the canopy road zone (cpz) (100 feet from the center line of the road) unless authorized for legal access (provided no other alternative exists), or health, safety or welfare of the public or for sidewalk improvements as approved by the local government provided they meet the following criteria:

- a. Clearing in the canopy road zone (cpz) will be kept to a minimum.
- b. A variety of surfaces will be evaluated for use in the sidewalk/pathway through the CPZ based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.
- c. Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.

Policy 3.4.5:

Mitigation requirements shall be established and utilized to condition approvals for those projects which intrude on the area within 100 feet of the centerline of a designated canopy road.

Policy 3.4.6:

Prohibit subdivision of property along canopy roads which would require the significant increase of driveways to provide legal access to newly created parcels.

Policy 3.4.7:

Major criteria for approving development along canopy roads will be the minimizing of traffic impacts and the limiting of driveway access to the canopy road.

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Policy 3.4.8:

Integrated access will be required for new subdivisions along canopy roads.

Policy 3.4.9:

Land uses which generate or attract large volumes of traffic shall be discouraged along designated canopy corridors.

Policy 3.4.10:

Medium and high density residential, commercial and office uses will be allowed on designated canopy roads only where there is alternate access to a road other than a canopy road. A single secondary access to the canopy road on lots which front Capital Circle and a canopy road may be allowed in association with public improvements to such intersections if all of the following criteria are met:

- 1) Full movement joint or direct access to the arterial is unfeasible;
- 2) A replanting/restoration plan which enhances and maintains the long term viability of the canopy is guaranteed by the property owner; and
- 3) Landscaping easements are granted to the city in order to ensure the implementation of a replanting/restoration plan.

These provisions would not apply to parcels having only access from a canopy road within the Activity Center.

Policy 3.4.11:

Local government shall allow for certain unpaved portions of Canopy Road designated roadways or road segments to remain unpaved when paving or other roadway improvements would negatively impact the canopy vegetation or the historical or natural character of the roadway.

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Leon County Land Development Code citations

Sec. 10-972. Canopy roads overlay district.

(a) **Purpose and intent.** The purpose and intent of the canopy roads overlay district is to ensure the preservation and protection of the canopy road trees on the following roads:

- (1) Meridian Road from its intersection with Seventh Avenue to the state line.
- (2) Magnolia Drive--Centerville Road--Moccasin Gap Road from their intersection with Seventh Avenue to State Road 59.
- (3) Miccosukee Road from its intersection with Capital Circle to Moccasin Gap Road.
- (4) Old St. Augustine Road from its intersection with East Lafayette Street to W. W. Kelley Road.
- (5) Old Bainbridge Road from its intersection with Raa Avenue to Capital Circle.
- (6) Sunny Hill Road from its intersection with Thomasville Road to Old Centerville Road.
- (7) Old Centerville Road from its intersection with Centerville Road to the state line.

(b) **Allowable land use.** The uses permitted in the canopy road overlay district are those uses permitted in the underlying zoning district.

(c) **Development standards.** The canopy road overlay includes as all lands within 100 feet from the centerlines of the roadways. The following special restrictions shall apply within the canopy road overlay:

- (1) All structures shall be set back a minimum of 100 feet from the centerline of the canopy road.
- (2) Any structure which exceeds 40 feet in height must be set back an additional one foot for every one foot in excess of 40 feet in height.
- (3) No clearing may occur in the canopy road overlay, (100 feet from the centerline of the road) unless authorized for health, safety or welfare of the public.
- (4) Any part of the canopy road overlay that is cleared or has trees removed from it must be widened in some other location by the same amount that was removed.
- (5) A full analysis of the impact of a development on the affected canopy road shall be submitted by the applicant at the time of development review.
- (6) Joint access to canopy roads shall be required unless there is no alternative. New curb cuts on canopy roads shall be designed to serve more than one development.
- (7) If the site is accessible by roads other than the canopy road, it shall not have direct access to the canopy road.